

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4060

No. 07-4081

COLLEEN DONLIN,

Appellee,

v.

PHILIPS LIGHTING NORTH AMERICA
CORPORATION

d/b/a

Philips Lighting Company,

Appellant.

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. No. 05-cv-00585)
District Judge: Honorable Richard P. Conaboy

Present: SCIRICA, *Chief Judge*, FUENTES and HARDIMAN, *Circuit Judges*.

SUR PETITION FOR PANEL REHEARING

The judges who participated in the decision of this Court having considered the petition for rehearing filed by Philips Lighting North America Corporation in the above-entitled case, panel rehearing is hereby GRANTED for the reasons stated. The precedential opinion and judgment filed on April 23, 2009 are hereby VACATED and the attached opinion is filed forthwith.

By the Court,

/s/ Thomas M. Hardiman
Circuit Judge

Dated: September 9, 2009

tmm/cc: Jacqueline E. Bedard, Esq.

Theodore R. Laputka, Esq.

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Stephen D. Rhoades, Esq.

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